

## **ATTACHMENT 4 - ENVIRONMENTAL REVIEW PROCESS**

Below are the steps that applicants must take to comply with environmental review requirements for the Proposition 84 Stormwater Grant Program (SWGP) administered by the State Water Resources Control Board (State Water Board), Division of Financial Assistance (Division).

The State Water Board is required to comply with the California Environmental Quality Act (CEQA) when funding a project. The Division's staff fulfills the State Water Board's responsibility by reviewing the CEQA documents provided by the Lead Agency/Grantee to develop the State Water Board's administrative record and findings.

It is important for the State Water Board to receive the CEQA document during the draft stage for review and comment. This helps to ensure that the State Water Boards' comments are addressed during the draft stage rather than after the CEQA document has been adopted by the Lead Agency. Grantees are strongly encouraged to submit the draft CEQA document to the State Water Board's Grant Manager before or during the State Clearinghouse review period.

PRC § 75102 requires that before the adoption of a negative declaration or environmental impact report required for any project to be financed with Proposition 84 funds, the lead agency shall notify the proposed action to a California Native American tribe, which is on the contact list maintained by the Native American Heritage Commission (NAHC), if that tribe has traditional lands located within the area of the proposed project.

The NAHC can be contacted at:

915 Capitol Mall, Room 364  
Sacramento, CA 95814  
(916) 653-4082

**Note:** *The NAHC will provide a list of Native American tribes that are culturally affiliated with your project area and will likely recommend that all applicable tribes be contacted. A request form for the NAHC contact list can be found online at: <http://nahc.ca.gov> under the Additional Information Section. Guidance for Native American consultation can be obtained from the Governor's Office of Planning and Research (OPR) website at: <http://opr.ca.gov>, under the Local and Tribal Intergovernmental Consultation section.*

Steps in the environmental review process include:

1. Grantee submits the CEQA documents to the State Water Boards' Grant Manager following the Public Review Period and adoption of the CEQA findings by the Lead Agency/Grantee;
2. Division staff reviews the CEQA documentation, including the final CEQA document (See the following "CEQA Checklist for the Grantee.");
3. Division staff develops an administrative record and State Water Board findings for the funding action; and
4. Deputy Director or the State Water Board adopts the CEQA findings.

State-funded activities subject to CEQA shall not begin until the State Water Board's CEQA findings are finalized and approved.

The CEQA and CEQA Guidelines can be accessed at:

<http://ceres.ca.gov/ceqa/>

Additional guidance can be obtained from the *CEQA Deskbook*, 3<sup>rd</sup> Edition published by Solano Press Books. This book provides a step-by-step guide on how to comply with CEQA and may explain information in a more straight-forward manner than the CEQA Guidelines.

**Notes:** If the Grantee is not the Lead Agency under CEQA (i.e., a responsible agency under CEQA that is using another agency's CEQA document), the Grantee will need to:

1. Make its own CEQA findings and approve the mitigations measures applicable to the proposed funded project;
2. File the Notice of Determination (NOD) with the OPR; and
3. Provide the date-stamped copy of the NOD filed with the OPR and a resolution or meeting minutes approving the project and adopting/certifying the CEQA document to the State Water Boards' Grant Manager.

If the grantee uses a Notice of Exemption (NOE), the Grantee files the NOE with the County Clerk of each county in which the project will be located (CEQA Guidelines, Section 15062[c][2]). Since the project is being funded by the State Water Board, the Grantee also files the NOE with the OPR. This reduces the statute of limitations from 180 days to 35 days, and notifies other state agencies and the public that the Grantee determined the project was exempt from the CEQA requirements. There is no cost for filing an NOE with the OPR.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

### **CHECKLIST FOR THE GRANTEE**

#### **What to Submit to your Water Boards' Grant Manager**

If project is covered under a **CEQA Categorical or Statutory Exemption**, submit a copy of the following:

- ☐ **Notice of Exemption** (filed with the Governor's Office of Planning and Research)
- ☐ **List of Best Management Practices (BMPs) and their locations, if project implements BMPs**

If project is covered under a **Negative Declaration**, submit a copy of the following:

- ☐ **Draft and Final Initial Study/Negative Declaration**

(or Mitigated Negative Declaration, if applicable)

- ☐ Comments and Responses to the Draft
- ☐ Mitigation Monitoring and Reporting Plan (if using a Mitigated Negative Declaration)
- ☐ **Resolution approving the CEQA documents**
  - ☐ Adopting the Negative Declaration
  - ☐ Making CEQA Findings
- ☐ **Notice of Determination** (filed with the Governor's Office of Planning and Research)

If project is covered under an **Environmental Impact Report (EIR)**, submit a copy of the following:

- ☐ **Draft and Final EIR**

- ☐ Comments and Responses to the Draft
- ☐ Mitigation Monitoring and Reporting Plan (MMRP)

- ☐ **Resolution approving the CEQA documents**

- ☐ Certifying the EIR and adopting the MMRP
- ☐ Making CEQA Findings
- ☐ Adopting a Statement of Overriding Considerations for any adverse impact(s) that cannot be avoided or fully mitigated if project is implemented

- ☐ **Notice of Determination** (filed with the Governor's Office of Planning and Research)

If EIR is a joint CEQA/National Environmental Policy Act document (EIR/Environmental Impact Statement or EIR/Environmental Assessment), submit the applicable Record of Decision and/or Finding of No Significant Impact.